

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - SW/cor. Sulphur Spring Road and the B & O Railroad Tracks (2300 Sulphur Spring Road) 13th Election District 7th Councilmanic District

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 88-431-SPHA

Paul R. Reinke, Jr., et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve a 20-unit storage facility on the subject property, and variances to permit a front street setback of 50 feet in lieu of the required 75 feet, a building rear yard setback of 8 feet in lieu of the required 50 feet, and to permit vehicles other than passenger vehicles to utilize the parking lot, all as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Paul R. Reinke, Jr., appeared and testified. Also appearing on behalf of the Petition were Ted Snovell and Louis A. Spittel, engineers with the Louis A. Spittel Company. There were no Protestants.

Testimony indicated that the subject property, split zoned M.L.-I.M. and D.R. 5.5, is located at 2300 Sulphur Spring Road and is the site of concrete coal bins which have existed on the property for over 40 years. Mr. Reinke testified he purchased the subject property approximately 5 years ago and now proposes converting the concrete coal bins to storage units. He testified that the requested variances are necessary in order that he may use the existing structures. Mr. Reinke testified that he is seeking CRG approval for the project, including, but not limited to, regrading of the property. Pictures of the existing structures and surrounding area were introduced as Petitioner's Exhibits 2A thru 2D.

Mr. Reinke testified that as a result of a zoning violation in Case No. 85-149-CV, he was required to submit a site plan which was approved by the Coun-

ty and which gave him permission to park vehicles other than passenger vehicles on the M.L.-I.M. zoned portion of the property in March 1986. In support of his testimony, he introduced a copy of the approved site plan, signed by James E. Dyer, Zoning Supervisor, on March 5, 1986. Mr. Reinke testified that he parks trucks related to his offsite fuel business on the site. He testified that there will be no more than five vehicles, other than passenger vehicles, parked on the premises at any given time.

Messrs. Snovell and Spittel testified that the requested variances are necessary in order to make use of the existing concrete structures. Mr. Snovell further testified that the existing concrete bins cannot be removed without creating serious erosion problems. Both witnesses indicated that the proposed conversion will result in the removal of a nuisance and should aesthetically be an improvement to the property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Solley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the relief requested in the special hearing and variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special hearing and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of April, 1988 that a 20-unit storage facility on the subject property, be approved, and variances to permit a front street setback of 50 feet in lieu of the required 75 feet, a building rear yard setback of 8 feet in lieu of the required 50 feet, and to permit vehicles other than passenger vehicles to utilize the parking lot, in accordance with Petitioner's Exhibit 1, be permitted, and as such, the Petitions for Special Hearing and Zoning Variance are hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) No more than five vehicles other than passenger vehicles may be parked on the premises. All said non-passenger vehicles must be parked on that portion of the property zoned M.L.-I.M.
- 3) The subject property shall be landscaped in accordance with the Baltimore County Landscaping Manual. A landscaping plan shall be submitted for approval to the Office of Current Planning within thirty (30) days of the date of this Order.

4) The special hearing and variances granted herein are contingent upon Petitioner's compliance with all requirements imposed by the CRG.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

APM:bjb

PETITION FOR ZONING VARIANCE - SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 255.2, 243.1, 243.2, 243.3, 243.4, 243.5, 243.6, 243.7, 243.8, 243.9, 244.1, 244.2, 244.3, 244.4, 244.5, 244.6, 244.7, 244.8, 244.9, 245.1, 245.2, 245.3, 245.4, 245.5, 245.6, 245.7, 245.8, 245.9, 246.1, 246.2, 246.3, 246.4, 246.5, 246.6, 246.7, 246.8, 246.9, 247.1, 247.2, 247.3, 247.4, 247.5, 247.6, 247.7, 247.8, 247.9, 248.1, 248.2, 248.3, 248.4, 248.5, 248.6, 248.7, 248.8, 248.9, 249.1, 249.2, 249.3, 249.4, 249.5, 249.6, 249.7, 249.8, 249.9, 250.1, 250.2, 250.3, 250.4, 250.5, 250.6, 250.7, 250.8, 250.9, 251.1, 251.2, 251.3, 251.4, 251.5, 251.6, 251.7, 251.8, 251.9, 252.1, 252.2, 252.3, 252.4, 252.5, 252.6, 252.7, 252.8, 252.9, 253.1, 253.2, 253.3, 253.4, 253.5, 253.6, 253.7, 253.8, 253.9, 254.1, 254.2, 254.3, 254.4, 254.5, 254.6, 254.7, 254.8, 254.9, 255.1, 255.2, 255.3, 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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 4/6/88



Mr. & Mrs. Paul R. Reinke, Jr.
2811 Hammonds Ferry Road
Baltimore, Maryland 21227

RE: Petition for Zoning Variance and Special Hearing
Case numbers 88-431-SPHA
SW/Cor. Sulphur Spring Road and B&O R/R tracks
(2300 Sulphur Spring Road)
13th Election District - 7th Councilmanic District
Petitioner(s): Paul R. Reinke, Jr., et ux
HEARING SCHEDULED: TUESDAY, APRIL 19, 1988 at 10:30 a.m.

Dear Mr. & Mrs. Reinke:

Please be advised that 2618 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 50506
DATE 4/19/88 ACCOUNT REC-115-000
AMOUNT \$ 76.18
RECEIVED FROM: Paul R. Reinke, Jr. (Paul R. Reinke, Jr.)
FOR: Petition Advertising 4/19/88
B 092*****761814 87045
88-431-SPHA
VALIDATION OR SIGNATURE OF CASHIER

and post set(s), there for each set not

ours,

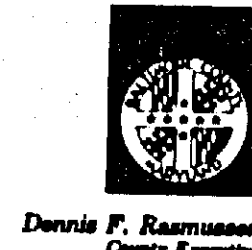
Haines

LINE
Commissioner of
County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

MAR 03 1988



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Zoning Variance and Special Hearing
Case numbers 88-431-SPHA
SW/Cor. Sulphur Spring Road and B&O R/R tracks
(2300 Sulphur Spring Road)
13th Election District - 7th Councilmanic District
Petitioner(s): Paul R. Reinke, Jr., et ux
HEARING SCHEDULED: TUESDAY, APRIL 19, 1988 at 10:30 a.m.

Variance and Special Hearing: To permit a front street setback of 50 ft. in lieu of the required 75 ft. and to permit a building rear yard setback of 5 feet in lieu of the required 50 feet. Also to permit vehicles other than only passenger automobiles to utilize the parking lot.

In the event that this Petition is granted, a building permit may be issued within 30 days of the date of the hearing. The petitioner will, however, entertain suit during this period for good received in this office by the date 18.

BALTIMORE COUNTY, MARYLAND
FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 47468
DATE 4/24/88 ACCOUNT 01-615-000
AMOUNT \$ 100.00
RECEIVED FROM: Kustom Fuel Oil Co.
FOR: Van + Soli # 260
B 012*****100001a 57045
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner

Date: April 1, 1988

FROM: P. David Fields
Director of Planning and Zoning
Zoning Petition Nos. 88-431-SPHA,
88-415-A, 88-418-A, 88-430-A,
SUBJECT: 88-431-SPHA, 88-415-A, 88-433-A

There are no comprehensive planning factors requiring comment on this petition.

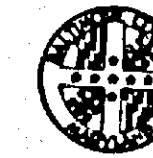
P. David Fields per J. Haines
P. David Fields
Director

PDF:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

RECEIVED
APR 6 1988
ZONING OFFICE

Julian S. Brewer, Jr., Esq.
4/6/88



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JADON
ZONING COMMISSIONER

JEAN M. H. KING
DEPUTY ZONING COMMISSIONER

March 7, 1988

Mr. & Mrs. Paul R. Reinke
2811 Hammonds Ferry Road
Baltimore, Maryland 21227

RE: Case No. 88-449-CV
S/W Corner Sulphur Spring Road and
B & O Railroad
13th Election District

Dear Mr. & Mrs. Reinke:

Enclosed you will find approved site plans of the above-subject property. By May 31, 1988, an inspection will be conducted of the site for compliance with the approved plan.

Should any questions remain regarding this matter, please contact this office.

Sincerely,

J. Haines
JAMES H. THOMPSON
Zoning Coordinator

JT/ls

Encls.

Petitioner's
Exhibit 3

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reinke
Chief

January 28, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Re: Property Owner: Paul R. Reinke, Jr., et ux

Location: SW/Cor. Sulphur Spring Rd., and B&O R/R Tracks

Item No.: 260 Zoning Agenda: Meeting of 2/2/88

Gentlemen:

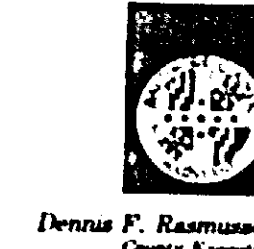
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Noted and Approved: John F. O'Neill
Planning Group Prevention Bureau
Special Inspection Division

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3354

February 18, 1988



Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 258, 260, 261, 262, 263, 265, 266 and 268.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF/ml-b

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
April 13, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. Julian S. Brewer, Jr., Esquire
5420 Carville Avenue
Baltimore, Maryland 21227

Item No. 260 - Case No. 88-431-SPHA
Petitioner: Paul R. Reinke, Jr. et ux
Petition for Zoning Variance

Dear Mr. Brewer:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:cer

Enclosures

cc: Louis Albert Spittel
c/o 31 Mountain Green Circle
Baltimore, Maryland 21207

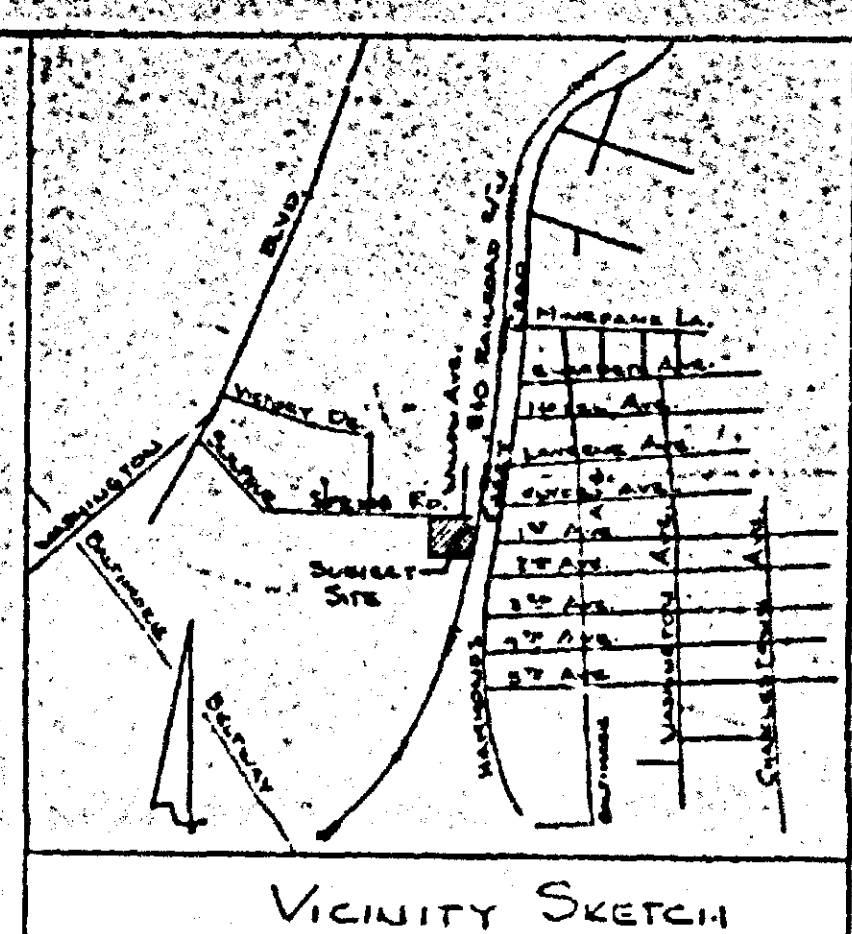
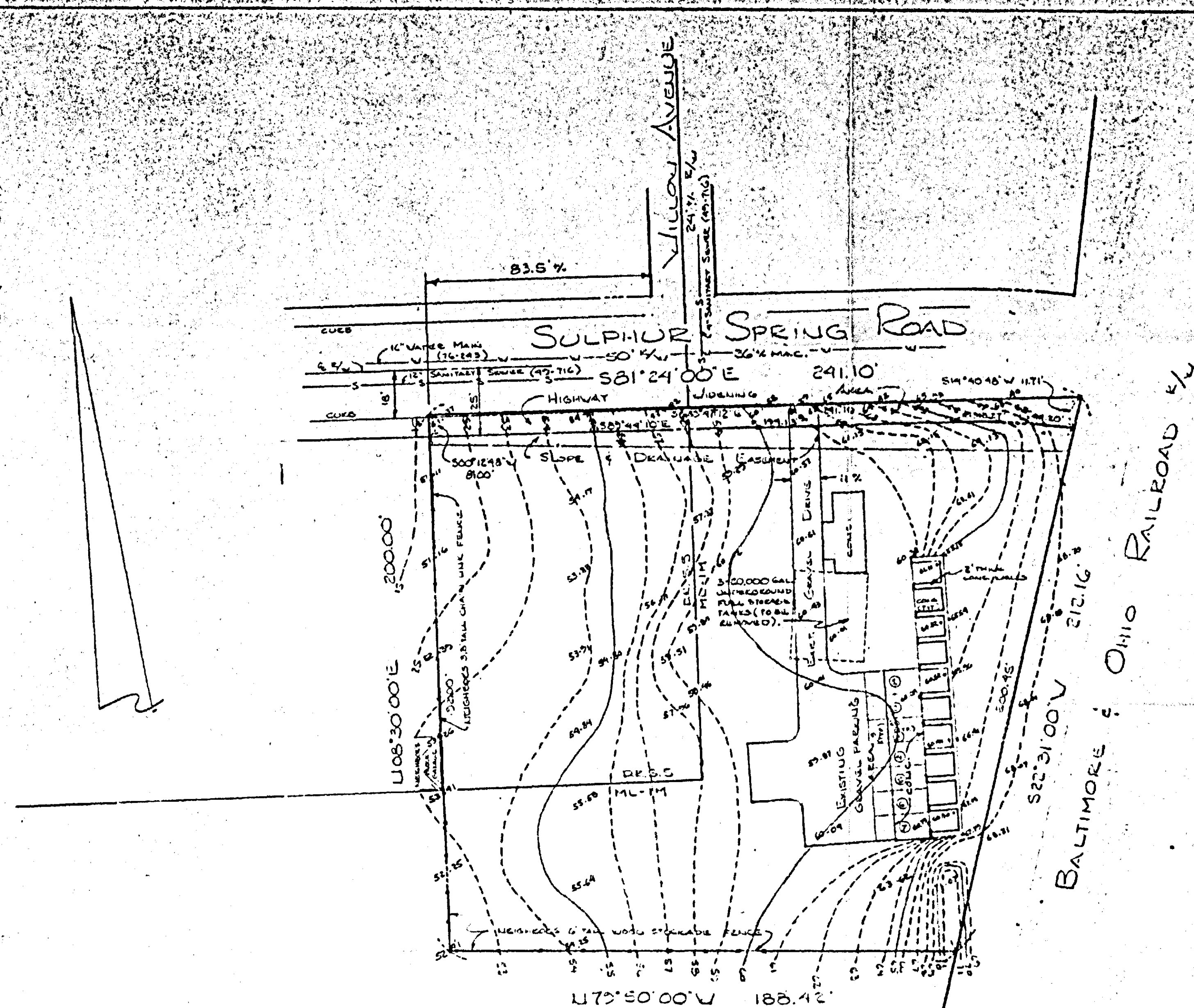
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 1st day of February, 1988.

J. Robert Haines
ZONING COMMISSIONER

Petitioner: Paul R. Reinke, Jr., et ux Received by: James E. Dyer
Petitioner's Attorney: Julian S. Brewer, Jr., Esquire Chairman, Zoning Plans Advisory Committee



PLANS APPROVED
 OFFICE OF PLANNING & ZONING
 BY *[Signature]*
 DATE 7/5/46

- NOTES:
1. AREA OF TRACT - 0.9514 ACRES
 2. ZONING OF TRACT - RES. DR. SS. & RES. M.L.M.
 3. EXISTING USE - PARKING FOR RELATED OFFSITE BUSINESS.
 4. EXISTING GRAVEL PARKING AREA AND DRIVE ARE TO BE PAVED WITH MACADAM.
 5. PROPOSED USE - PARKING FOR RELATED OFFSITE BUSINESS.
 6. NO. OF EXISTING PARKING SPACES - 7 SPACES.

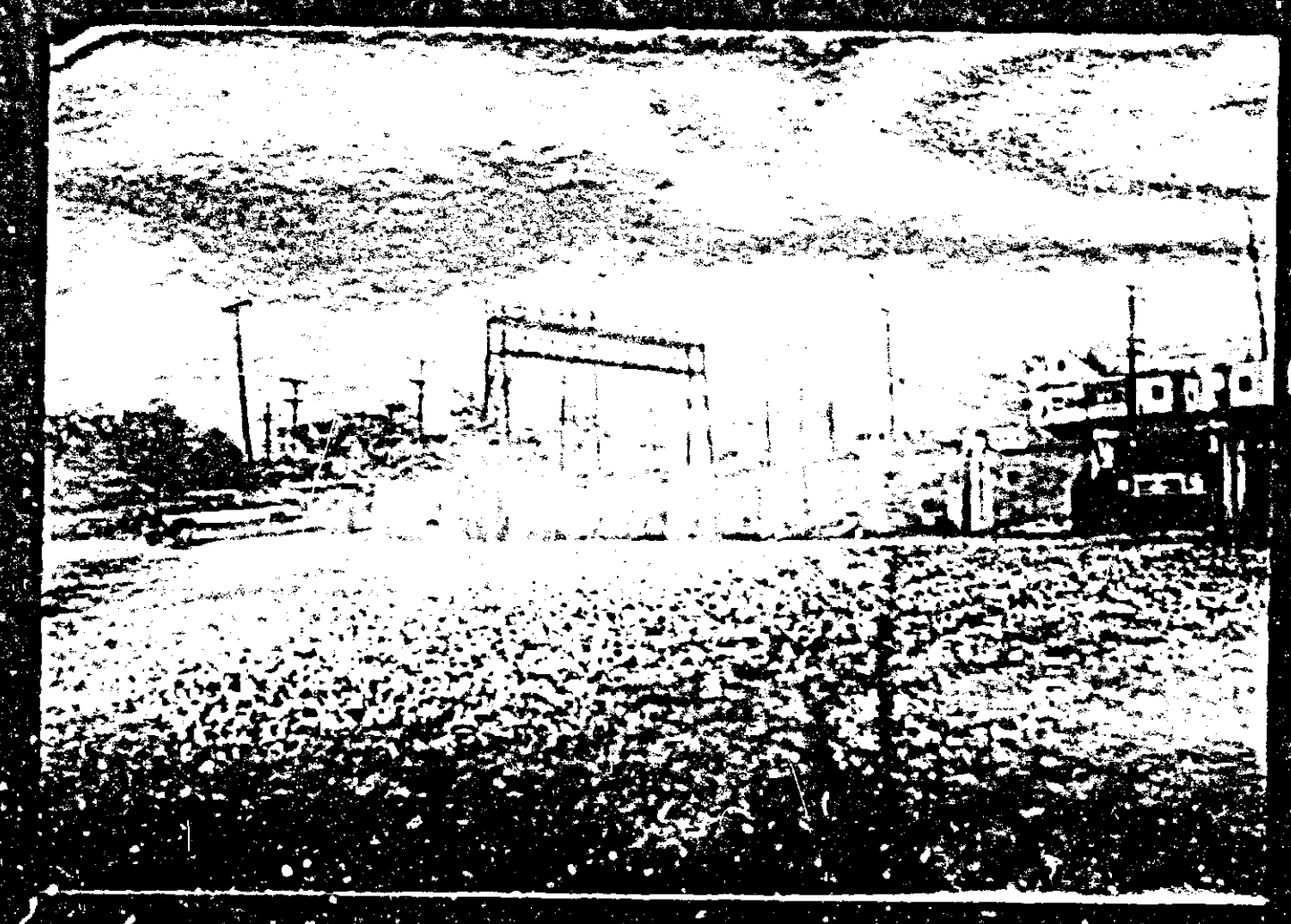
J.S.T. ENGINEERING CO., INC.
 4903 BELAIR ROAD
 BALTIMORE, MARYLAND
 21206

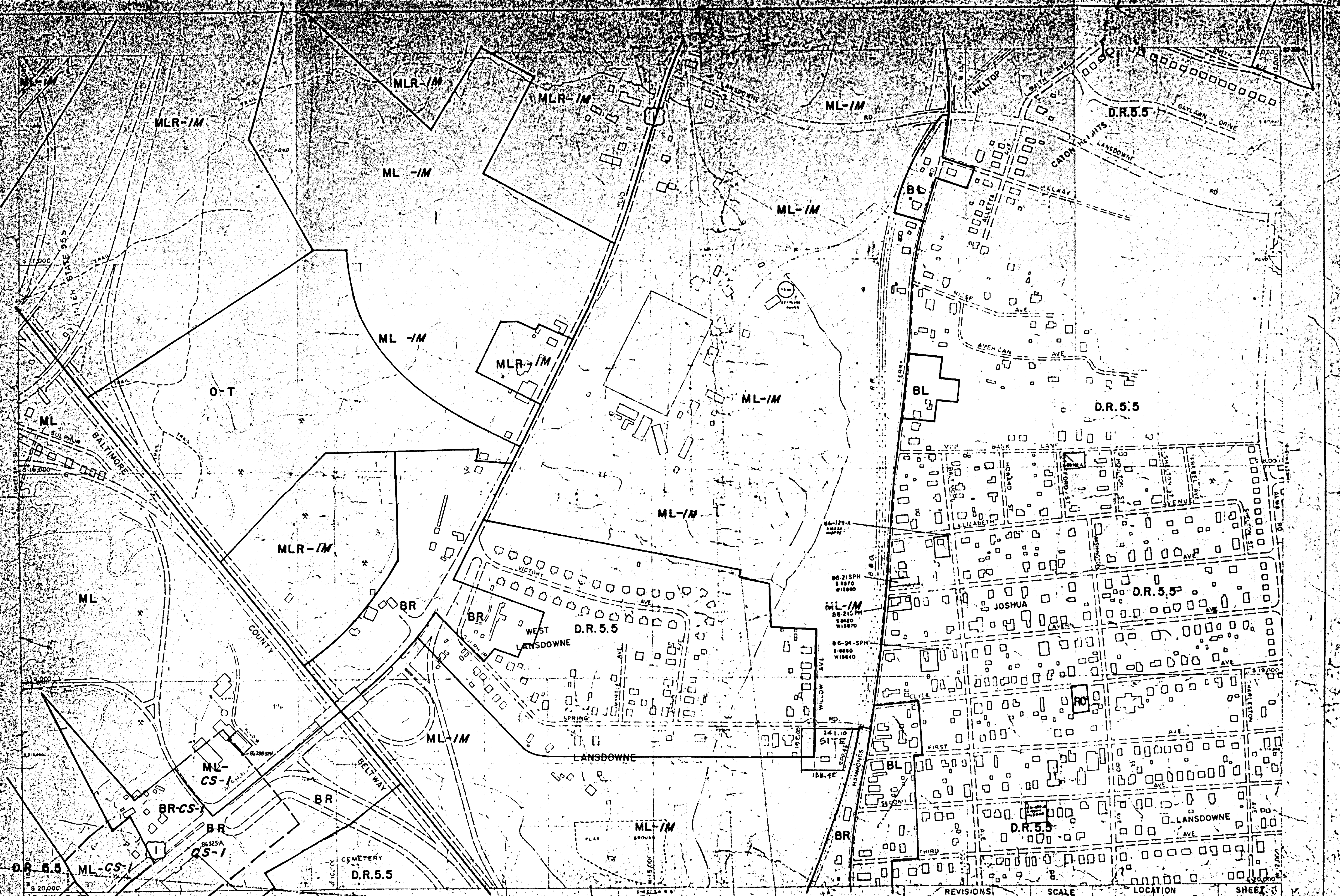
(301) 485-1510
 444 4849



SITE PLAN
 OF
 EXISTING FACILITIES
 AT

1/4 CORNER OF SULPHUR SPRING ROAD AND B&O RAILROAD
 THIRTEENTH ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND
 SCALE: 1" = 30'
 DATE: 6-1-85





PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

1984 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
NOV. 13, 1984
B.C.C. 13-84-134-84, 135-84,
136-84, 137-84, 138-84, 139-84
CHAIRMAN COUNTY COUNCIL

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE			
DATE OF PHOTOGRAPHY	APRIL 1985	1" = 200'	HALETHORPE	S.W.
Compiled by: Photogrammetric Map Service Corporation, Philadelphia, PA				



BENCH MARK DALT.CO.X-6226-A ELEV.46.893
DESCRIPTION: + CUT NORTHWEST CORNER OF
BASE OF HEADWALL, SOUTH
SIDE OF SULPHUR SPRING
ROAD 250' E. OF BRAUN AVE.

GENERAL NOTES:

- | | |
|------------------------|--|
| 1. AREA OF SITE | 0.951AC. † |
| 2. AREA OF SUBMISSION | 0.951AC. |
| 3. PARCEL OR PLAT REF. | 480-0000 REF L6729 F536 |
| 4. OWNER/DEVELOPER | PAUL R. REINKE
2811 HAMMONDS FERRY RD.
BALTO. MD 21227 |

5. ZONING CLASSIFICATION : ML-1M & DR-B.E
6. TAX MAP 100 ZONING MAP
7. SITE USE PROPOSED : STORAGE UNITS
8. PUBLIC WATER AND SEWER
~~FRAMES WATER AND SEWER~~
9. DENSITY CALCULATIONS

	SQ. FT.	AC.	PERCENT %
A. AREA OF SITE	41,486 ±	.951 ±	-
B. BUILDING COVERAGE	1260		3
C. PAVING	12,930		31
D. OPEN SPACE	27,236		66

10. CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES.
11. DEVELOPER SHALL REPAIR ANY DAMAGE TO COUNTY R/W OR PAVING CAUSED BY WORK ON THIS PROJECT. COST OF REPAIR SHALL BE AT DEVELOPERS EXPENSE.
12. NOTIFY CO. DEPARTMENT OF PERMITS & INSPECTIONS @ PRIOR TO BEGINNING WORK.

19. PARKING ANALYSIS
- | | |
|-----------------------------|----|
| A. PARKING SPACES REQUIRED: | 20 |
| B. PARKING SPACES SHOWN: | 20 |

14. COUNCILMANIC DISTRICT NO. 1
15. CENSUS TRACT 4309
16. WATER SHED 29 SUB SEWER SHED 74-B
17. SITE ACREAGE, GROSS 0.951 AC, NET 0.207 AC

18. OPEN SPACE, REQUIRED
OPEN SPACE SHOWN 25.329 $\frac{1}{2}$

19. QUANTITY OF LANDSCAPE PLANTING REQUIRED. 1 TREE PER 20 FRONT: 7 TREE.
1 TREE PER 12 CARS: 1 TREE, SCREEN PARKING AREA
20. FLOOR AREA RATIO $\frac{2520}{32212} =$ ADJUSTED GROSS FLOOR AREA $\frac{2520}{32212} =$ GROSS AREA OF SITE $\frac{2520}{32212} = 1.06$

21. SITE TYPE: SOIL MAP 47
NOTE: ENTIRE SITE= LYSOIL CLASS C SOIL
SOIL BORINGS BY ATEC ASSOC. SEPT. 25, 1986=
TEXTURE CLASS= SILT LOAM SOIL GROUP C
22. THERE ARE NO HISTORIC BUILDINGS ON SITE.
23. ESTIMATED AVERAGE DAILY TRIPS (ADT) BASED UPON
PROPOSED DEVELOPMENT, 2520 S.F. - 1000 S.F.: 2.52 FACTOR 4.0878= 112.76 ADT
24. THERE ARE NO WETLANDS ON SITE.
25. SITE IS NOT AN ARCHEOLOGICAL SITE.
26. THERE ARE NO ENDANGERED SPECIES ON SITE.
27. THERE ARE NO HAZARDOUS MATERIALS ON SITE.

ACCOUNT NO 132 3000470

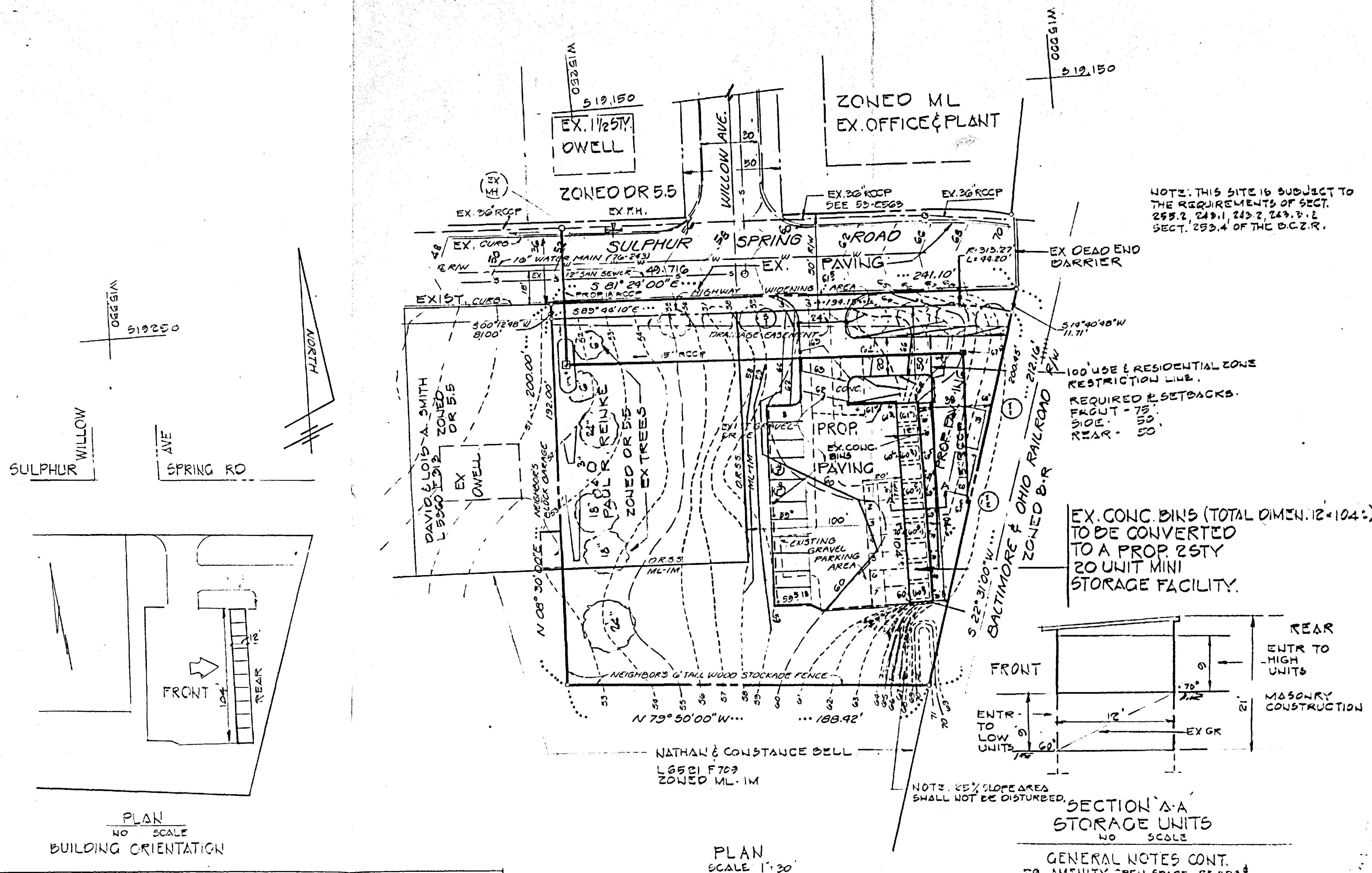
VARIANCE PLAT
C.R.G. PLAT

2300 SULPHUR SPRING ROAD
MINI STORAGE UNITS
13 TH. DISTRICT
SCALE= 1"=30 FT.

DATE: JUNE 15, 1987

OWNER: PAUL R. REINKE
2811 HAMMONDS FERRY ROAD
BALTIMORE, MD. 21227

ENGINEER:
LOUIS ALBERT SPITTEL
C/O 37 MOUNTAIN GREEN CIR
BALTIMORE, MD. 21207
255-6543

[illegible]

PUBLIC SERVICES CRG NO. 37218

PLANNING NO

13 TH. DISTRICT
SCALE= 1"=30 FT.
DATE: JUNE 15, 1987
OWNER: PAUL R. REINKE
2811 HAMMONDS FERRY ROAD
BALTIMORE, MD. 21227
ENGINEER:
LOUIS ALBERT SPITTEL
C/O 37 MOUNTAIN GREEN CIRCLE
BALTIMORE, MD. 21207
255-6541